



Crl.M.P.No.1566 of 2026
in Crl.A.No.103 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.1566 of 2026

in

Crl.A.No.103 of 2026

1.Dinesh
2.Saravanan

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Rasipuram Sub Division,
Namakkal District.

2.The Inspector of Police,
Namagiripettai Police Station,
Namakkal District.
(Crime No.172 of 2024)

3.Vijayamarthandan

... Respondents

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS, praying to suspend the sentence made in judgment dated 21.01.2026 made in Spl.S.C.No.21 of 2024 on the file of the learned Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal, and enlarge the petitioners on bail.



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Crl.M.P.No.1566 of 2026
in Crl.A.No.103 of 2026

For Petitioners : Mr.W.Camyles Gandhi
For R1 & R2 : Mr.S.Balaji,
Government Advocate (Crl.Side)
For R3 : Mr.M.Ganesh,
Legal Aid Counsel

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of the sentence imposed on the petitioners by judgment dated 21.01.2026 passed in Spl.S.C. No.21 of 2024 by the learned Sessions Judge, Special Court for Trial of Cases Registered under the SC/ST (POA) Act, Namakkal, pending disposal of the above criminal appeal and to enlarge the petitioners on bail.

2. The petitioners/A1 and A2 in Spl.S.C. No.21 of 2024 were convicted by the Trial Court by judgment dated 21.01.2026 for the following offences:

Rank of the Accused	Conviction under Sections	Sentence awarded
A1 and A2	126(2) of BNS r/w 3(2) (va) of SC & St (POA) Act	To undergo simple imprisonment for one month and to pay a fine of Rs.5,000/- each, and in default to undergo simple imprisonment for one month.
	115(2) of BNS r/w 3(2) (va) of SC & St (POA) Act	To undergo simple imprisonment for one year and to pay a fine of Rs.10,000/- each, and in default to undergo simple imprisonment for one month.



Crl.M.P.No.1566 of 2026
in Crl.A.No.103 of 2026

	3(1)(r) of SC & ST (POA) Act	To undergo rigorous imprisonment for five years and to pay a fine of Rs.10,000/- each, and in default to undergo simple imprisonment for one month.
	3(1)(r) of SC & ST (POA) Act	To undergo rigorous imprisonment for five years and to pay a fine of Rs.10,000/- each, and in default to undergo simple imprisonment for one month.

3. Aggrieved by the same, the petitioners preferred Crl.A.No.103 of 2026 before this Court along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. The case of the prosecution is that on 30.07.2024, when the de facto complainant was riding a motorcycle, the petitioners were also riding another motorcycle and a wordy quarrel arose between them regarding the manner in which the petitioners were riding the motorcycle. It is alleged that thereafter the petitioners attacked the de facto complainant and humiliated him on account of his caste and thereby committed the aforesaid offence.

5. The learned counsel for the petitioners would submit that there was no motive for the alleged occurrence; that the incident occurred in the heat of



Crl.M.P.No.1566 of 2026
in Crl.A.No.103 of 2026

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the moment following a trivial quarrel; and that the de facto complainant has given an exaggerated version. It is further submitted that several grounds have been raised in the appeal and therefore the sentence may be suspended.

6. Heard the learned Government Advocate (Crl. Side) appearing for respondents 1 and 2.

7. Notice was issued to the third respondent/de facto complainant. The de facto complainant appeared in person and requested this Court to appoint a Legal Aid Counsel to represent him. Accordingly, this Court appointed Mr.M.Ganesh, learned Legal Aid Counsel, to represent the third respondent.

8. The learned Legal Aid Counsel appearing for the third respondent submitted that the de facto complainant was humiliated on account of his caste and that the offence committed has to be viewed seriously, and opposed the grant of suspension of sentence.

9. It is seen that the petitioners are in custody from 21.01.2026. Considering the fact that the petitioners have raised substantial grounds in the above appeal and the fact that a fixed sentence of imprisonment has been



Crl.M.P.No.1566 of 2026
in Crl.A.No.103 of 2026

imposed on the petitioners, and since the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioners.

10. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioners are suspended till the disposal of the above criminal appeal and the petitioners are ordered to be released on bail on the following conditions:

- (i) The petitioners each shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal;
- (ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioners shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the Trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the



WEB COPY



Crl.M.P.No.1566 of 2026
in Crl.A.No.103 of 2026

Trial Court on any other day in lieu of the date of their absence,
as directed by the Trial Court.

12.02.2026

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WEB COPY



Crl.M.P.No.1566 of 2026
in Crl.A.No.103 of 2026

To

- 1.The Sessions Judge, Special Court for Trial of Cases Registered under SC/ST (POA) Act, Namakkal
- 2.The Inspector of Police,
Namagiripettai Police Station,
Namakkal District.
- 3.The Central Prison, Salem.
- 4.Mr.M.Ganesh,
Office at No.137, Law Chamber,
High Court Campus,
Chennai – 104.
- 5.The Public Prosecutor,
High Court, Madras.



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Crl.M.P.No.1566 of 2026
in Crl.A.No.103 of 2026

SUNDER MOHAN, J.

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**Crl.M.P.No.1566 of 2026
in Crl.A.No.103 of 2026**

12.02.2026